

STATE OF SOUTH CAROLINA

(Caption of Case)

Application of Palmetto Utilities, Inc. for adjustment
of rates and charges for the provision of sewer service.

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BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET
NUMBER: 2013 - 42 - S

(Please type or print)

Submitted by: John M.S. Hoefer, Esquire

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DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda
expeditiously

☒ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input checked="" type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

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April 8, 2014

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*ALSO ADMITTED IN TX

**ALSO ADMITTED IN THE DISTRICT OF COLUMBIA

The Honorable Jocelyn D. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Application of Palmetto Utilities, Inc. for adjustment of rates and charges for the provision of sewer service. Docket No. 2013-42-S

Dear Ms. Boyd:

In accordance with the Notice issued March 24, 2014, enclosed please find for service upon and filing with the Commission the original and one (1) copy of Applicant's Answer to Intervenor's Petition for Writ of Supersedeas and and/or Equitable Stay in the above-referenced matter. By copy of this letter, I am also serving a copy of this document upon counsel for the parties of record in this proceeding and enclose a Certificate of Service to that effect.

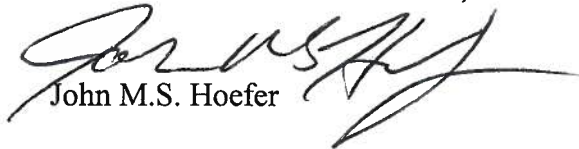
I would appreciate your acknowledging receipt of this document by date-stamping the extra copy that is enclosed and returning to me in the envelope provided.

If you have any questions or if you need any additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

WILLOUGHBY & HOEFER, P.A.

John M.S. Hoefer



JMSH/sw
Enclosures

cc: Jeffrey M. Nelson, Esquire
D. Reece Williams, III, Esquire
Kathleen M. McDaniel, Esquire

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2013-42-S

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APR 10 2014

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IN RE:

Application of Palmetto Utilities,
Inc. for adjustment of rates and
charges for the provision of sewer
service.

**APPLICANT'S
ANSWER TO INTERVENORS'
PETITION FOR WRIT OF
SUPERSEDEAS AND/OR
EQUITABLE STAY**

In accordance with the Notice issued March 24, 2014, in the above-captioned docket, Palmetto Utilities, Inc. ("PUI") submits this answer to the March 21, 2014, petition for supersedeas and/or equitable stay ("Petition") of the Commission Order Nos. 2013-660 and 2013-771 (collectively, "Order"), filed by Sensor Enterprises, Inc. d/b/a McDonald's and J-Ray, Inc. ("Intervenors"). For the reasons discussed more fully below, PUI submits that the Intervenors have failed to demonstrate that cause exists for staying the Order, and the Commission should therefore deny the Petition. Summarily stated, the Petition should be denied for the following reasons:

- I. South Carolina law already provides the remedy sought by Intervenors in this Petition in the event the rate increase approved by the Commission is reversed on appeal.
- II. Intervenors have not met their burden in demonstrating a supersedeas or equitable stay is warranted.



III. Should the Commission find that a supersedeas is warranted, Intervenor should be required to post bond in accordance with the South Carolina Appellate Court Rules.

STANDARD

I. Supersedeas

Rule 241 of the South Carolina Appellate Court Rules ("SCACR") governs the supersedeas of a civil order being challenged on appeal. As a general rule, an appeal acts as an automatic stay of matters decided in the order on appeal. Rule 241(a), SCACR. However, under Rule 241(b)(11), Intervenor's appeal to the Supreme Court is expressly excepted from the general rule and no automatic stay arises. Further, under Rule 241(b), statutes, case law, and other court rules, may create other exceptions to this general rule and that is also the case with respect to the instant matter, as 10 S.C. Code. Regs. § 103-856(B) (2012) provides a specific exception to the general rule in cases decided by the Commission.

Where, as here, an appeal does not automatically stay the order on appeal, a party may request a stay or petition the court to supersede the order pending on appeal. *See* Rule 241(c)(1), SCACR. "The effect of granting the supersedeas is to suspend or stay the matters decided in the order on appeal" Rule 241 (c)(1), SCACR. Rule 241(d), SCACR, sets forth the procedures and requirements of a petition for supersedeas, requiring that it contain: (A) the factual background necessary for an understanding of the petition; (B) the grounds for the petition, and legal arguments with supporting points and authority; and (C) a showing that an application for this relief was made to the lower court or administrative tribunal and was unjustifiably denied or the relief granted failed to afford the relief which the petitioner requested. Rule 241(d)(4).

The granting of a supersedeas “is a power which should be exercised with great caution and circumspection, and only to the extent clearly made to appear to be necessary to prevent irreparable injury or a miscarriage of justice.” *Andrews v. Sumter Commercial & Real Estate Co.*, 87 S.C. 301, 69 S.E. 604 (1910). “[T]he purpose ... of a supersedeas ... is to ... stay proceedings in the trial court, to preserve the status quo pending the determination of the appeal ... and to preserve [for the] appellant the fruits of a meritorious appeal where they might otherwise be lost to him.” *Graham v. Graham*, 301 S.C. 128, 390 S.E.2d 469 (Ct. App. 1990) (citations omitted). As a rule, a supersedeas does not “reverse, annul, or undo what has already been done, or impair the force of the judgment.” *Id.* Rather, a supersedeas suspends the judgment. *Id.*

In determining whether or not a writ of supersedeas should issue, the reviewing tribunal is required to consider whether it is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot. *See* Rule 241(c)(2), SCACR (providing that the reviewing tribunal “should consider whether such an order is necessary to preserve jurisdiction of the appeal or to prevent a contested issue from becoming moot.”); *see also* Toal, J.H., Vafai, S., Muckenfuss, R.A., *Appellate Practice in South Carolina*, 2d Ed., 155. Stated another way, a party seeking a writ of supersedeas must be able to demonstrate it has “just reason to apprehend that without a stay, [the party] would be deprived of the benefit of a reasonable result of the appeal.” *Porter v. Lesesne*, 85 S.C. 399, 67 S.E. 453 (1910) (holding, in a case prior to the enactment of the SCACR, that a previously granted supersedeas should be withdrawn where the applicant for supersedeas could be returned to the *status quo* by a successful appeal). *Melton v. Walker*, 209 S.C. 330, 40 S.E.2d 161, 163 (1946) (holding that the effect of a supersedeas is to preserve the *status quo* pending the determination of an appeal).

Moreover, an applicant for a writ of supersedeas must demonstrate that the absence of a supersedeas will work an irreparable harm or a miscarriage of justice. *Kuhn v. Electric Mfg. & Power Co.*, 92 S.C. 488, 75 S.E. 791 (1912). A strong showing of a likelihood of success on the merits is also usually required in order to justify issuance of the writ. *See* 4 C.J.S. *Appeal & Error* § 417 (1993). Finally, recognizing that a supersedeas or stay is an extraordinary power, Rule 241 provides the reviewing tribunal with flexibility in fashioning a remedy. Thus, the granting of a supersedeas under Rule 241 may be conditioned upon “such terms, including but not limited to the filing of a bond or undertaking, as the ...administrative tribunal ... may deem appropriate.” Rule 241(c)(3), SCACR.

II. Equitable Stay

The Supreme Court has held that “an equitable stay may be invoked if justified by circumstances which outweigh any potential harm to the party against whom it is operative” after “weigh[ing] competing interests and maintain[ing] an even balance.” *Merritt Bros., Inc. v. Marine Midland Credit Corp.*, 307 S.C. 213, 414 S.E.2d 167 (1992).¹

¹ PUI does not concede that a basis for an equitable stay exists in this matter. *Merritt Brothers* involved an appeal from the refusal of the circuit court to apply the automatic stay provisions of 11 U.S.C.A. § 362 or grant an equitable stay in an action against a lender of a bankrupt entity. Thus, the availability of supersedeas under appellate court rules was not at issue. Nonetheless, as this is the only authority cited by Intervenor, PUI addresses its responsive arguments to the standard set out in that case. Similarly, it is unclear that the Commission has the power to issue an equitable stay that is vested in the circuit court. *Cf. S.C. Cable Television Ass'n v. Hamm*, 313 S.C. 48, 437 S.E.2d 38 (1993) (holding that Commission possesses only the authority given it by the legislature) and 10 S.C. Code. Regs. § 103-856 (“[e]xcept as otherwise provided by law, an appeal from an Order of the Commission shall not of itself stay or suspend operation of the Order”). (Emphasis supplied.)

ARGUMENT

I. South Carolina law already provides the remedy sought by Intervenor in this Petition in the event the rate increase approved by the Commission is reversed on appeal.

The Petition seeks the Commission's suspension of its own Order, requesting that the Intervenor be allowed during the pendency of their appeal to pay only the monthly service charges for wastewater treatment service that Intervenor were paying prior to the underlying rate case.² The stated basis for the requested relief is that "[e]ven if the Intervenor prevail in their appeal, there is no certainty that they will be able to recover the difference in amounts paid to [PUI]." Petition at 1. However, the basis and reasoning advanced by Intervenor is faulty, as the South Carolina Supreme Court has explicitly held that monies collected by a utility under an order approving an increase in rates that is later reversed on appeal or are otherwise deemed to have been unlawfully collected, are to be refunded to affected customers. *See Hamm v. S. Bell Tel. & Tel. Co.*, 305 S.C. 1, 5, 406 S.E.2d 157, 159 (1991). In *Hamm*, the Supreme Court addressed the very situation advanced by Intervenor in support of the Petition. Therein, the Court had previously reversed an order of the Commission approving a rate increase for a telephone utility and remanded the matter to the circuit court for entry of an order in compliance with the opinion. 305 S.C. at 2, 406 S.E.2d at 158. Following a determination of the circuit court that it could not remand the case to the Commission, the Supreme Court heard a second appeal squarely addressing the argument now advanced in support of the instant Petition: whether the utility was required to refund fees collected under a rate schedule that was

² Thus, the effect of granting Intervenor's request for relief would be that they would experience a decrease in monthly charges that they previously paid, notwithstanding the undisputed fact that PUI's expenses and investment have increased since its last rate relief

overturned on appeal, and whether those affected customers were entitled to interest on the amount collected in excess of lawful rates. *Id.* at 2-3, 406 S.E.2d at 158.

The *Hamm* decision is on all fours, rendering this Petition completely unnecessary, as the Supreme Court expressly held there that customers—like Intervenorors—are entitled to a refund, with interest, of the amount of any fees collected under a rate schedule determined later to be unlawful. *Id.* at 5-6, 406 S.E.2d at 159-160 (the Court also stated that the ratepayers' entitlement to a refund should have been implicit from the holdings of its first opinion and prior case law). Consequently, Intervenorors' interests are adequately and expressly protected by the law of this state, as expressed in *Hamm* and they are not entitled to a writ of supersedeas or an equitable stay under the foregoing standards.

II. Intervenorors have not met their burden in demonstrating a supersedeas or equitable stay is warranted.

In addition to the dispositive holdings in *Hamm*, the Petition is also otherwise deficient and Intervenorors have failed to meet their burden in demonstrating that cause exists for superseding the Order.

a. Denial of the writ will not moot the appeal.

The Petition does not satisfy Rule 241(c)(2)'s requirements that the grounds for supersedeas would prevent an issue from becoming moot. ("In determining whether an order should issue pursuant to this Rule ... the administrative tribunal ... should consider whether such an order is necessary to ... prevent a contested issue from becoming moot."). The concept of mootness is encompassed by a court's threshold inquiry of justiciability, or whether the litigation presents an active case or controversy. *See Jackson v. State*, 331 S.C. 486, 490 n.2, 489 S.E.2d

proceeding and other customers will experience an increase in monthly charges as a result. *Cf.*

915, 917 n.2 (1997); *Holden v. Cribb*, 349 S.C. 132, 137, 561 S.E.2d 634, 637 (Ct. App. 2002). An appellate court will not pass on moot and academic questions or make an adjudication where there remains no actual controversy. *Curtis v. State*, 345 S.C. 557, 567, 549 S.E.2d 591, 596 (2001) (citing *Jackson*, 331 S.C. 486, 489 S.E.2d 915). “A case becomes moot when judgment, if rendered, will have no practical effect upon [an] existing controversy.” *Seabrook v. City of Folly Beach*, 337 S.C. 304, 306, 523 S.E.2d 462, 463 (1999) (quoting *Mathis v. S.C. State Highway Dep’t*, 260 S.C. 344, 346, 195 S.E.2d 713, 715 (1973)). Within the context of the Commission’s evaluation of this Petition, the issues raised by Intervenors in this application for supersedeas must be of such significant import that the underlying appeal, pending before the Supreme Court, would be rendered moot

The Petition’s argument with respect to mootness does not withstand scrutiny. Essentially, Intervenors contend that any fees paid under unlawful rates during the pendency of the appeal pursuant to the modified rate schedule would be irretrievably lost, and they would be without a remedy to recover such funds. As discussed above, under the *Hamm* case, Intervenors argument is mistaken as a matter of law. Notwithstanding *Hamm*, however, the issue of restoring PUI’s previous rate schedule could, theoretically, be achieved through an appeal, which is the very remedy sought by Intervenors. Therefore, no contested *issue* is rendered moot. That, under Intervenor’s theory, a portion of the *damages* recoverable upon a successful appeal would be limited—which, again, does not comport with the Supreme Court’s analysis in *Hamm*—does not operate to satisfy Rule 241(c)(2)’s requirement that a contested *issue* would be rendered moot.

- b. Intervenors will not be irreparably harmed, nor will a miscarriage of justice occur if the writ is not issued.

Further, Intervenors have not demonstrated that they are exposed to irreparable harm or a miscarriage of justice in the event the provision of the Order authorizing a rate increase is not superseded. Initially, once more, Intervenors are provided under *Hamm* a right to recover a refund, with interest, of any charges collected under a rate schedule determined later to be unlawful. 305 S.C. at 5-6, 406 S.E.2d at 159-160. As Intervenors will therefore be made whole under such circumstances, by definition, there can be neither irreparable harm nor grounds for a supersedeas. Certainly, where redress is obtainable and Intervenors are availing themselves of the procedures (appeal to the Supreme Court) existing to protect their interests, no miscarriage of justice has occurred or is in danger of occurring.

- c. Intervenors have not demonstrated a likelihood of success on the merits.

In the context of a supersedeas, a party is not required to show an absolute legal right or certainty of success on the underlying appeal; however, the granting of a petition for supersedeas is based, in part, on the likelihood of success on the merits. *See, e.g., Graham, supra* (“[T]he purpose ... of a supersedeas ... is to ... preserve to appellant the fruits of a *meritorious* appeal where they might otherwise be lost to him.”). Intervenors have not satisfied their burden.

At most, the Petition identifies testimony submitted by Intervenors which was available to the Commission in reaching its decision, but chose not to follow or otherwise attribute any weight or significance. *See* Petition at 3-4. However, such a showing is insufficient to overcome the substantial evidence supporting the Commission’s decision. *See Etheredge v. Monsanto Co.*, 349 S.C. 451, 454, 562 S.E.2d 679, 681 (Ct. App. 2002) (holding that it is not within the appellate court’s province to reverse the appellate panel’s factual findings if they are supported

by substantial evidence); *Pratt v. Morris Roofing, Inc.*, 357 S.C. 619, 622, 594 S.E.2d 272, 274 (2004) (providing that substantial evidence is not a mere scintilla of evidence, nor the evidence viewed blindly from one side of the case, but is evidence which, considering the record as a whole, would allow reasonable minds to reach the conclusion the administrative agency reached in order to justify its action); *Sharpe v. Case Produce, Inc.*, 336 S.C. 154, 160, 519 S.E.2d 102, 105 (1999) (holding that the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's findings from being supported by substantial evidence). Here, the Commission was the ultimate fact-finder with respect to PUI's ratemaking application, whose decisions are entitled to deference and will be affirmed if supported by substantial evidence. *Utilities Servs. of S.C., Inc. v. S.C. Office of Regulatory Staff*, 392 S.C. 96, 103, 708 S.E.2d 755, 759 (2011). Therefore, even assuming Intervenors assign some measure of error to the Commission's consideration of the submitted testimony, which they do not expressly do in the Petition, the Commission's allocation of weight and credibility to Intervenors' testimony is within its discretion. Without a showing that the Commission erred as a matter of law in not giving weight to the testimony of the Intervenors' witnesses, Intervenors have failed to demonstrate a likelihood of success in overcoming the substantial evidence standard for the appeal and have concomitantly failed to satisfy their burden in applying for a writ of supersedeas.

d. The potential harm to PUI outweighs any harm Intervenors could suffer.

As already noted, Intervenors are not exposed to any harm if the Petition is denied, as *Hamm* insures that a refund of any unlawful rates collected will be refunded to them. By contrast, PUI is exposed to harm if the Petition is granted, as PUI has no legal remedy to collect amounts due that have not been paid, should Intervenors refuse to do so at the conclusion of the

appeal. Disconnection of service under Commission rules, while constituting an incentive for a customer to pay for utility services, may not provide a means whereby a utility can collect payment for monetary damages arising out of a customer's failure to pay for past services rendered. Thus, under *Merritt Brothers, supra*, the balance of potential harms clearly tips in PUI's favor and no equitable stay is therefore warranted.

III. Should the Commission find that a supersedeas or equitable stay is warranted, Intervenor should be required to post a bond.

If the Commission is inclined to agree with Intervenor that a supersedeas is warranted, PUI respectfully submits that the Commission should exercise its discretion under Rule 241(c)(3) and require Intervenor to post a bond in an amount equal to the difference, plus interest, in the sewerage charge approved under the Order and fees collected under the existing rate schedule, for the expected life of the appeal.³ ("The granting of supersedeas ... under this Rule may be conditioned upon such terms, including but not limited to the filing of a bond ... as the ... administrative tribunal may deem appropriate."). Because, as discussed above, the granting of a petition for supersedeas is based in part on the likelihood of success on the merits of the underlying appeal, *see, e.g., Graham, supra* ("[T]he purpose ... of a supersedeas ... is to ... preserve to appellant the fruits of a *meritorious* appeal where they might otherwise be lost to him"), Intervenor was required to, at a minimum, identify error in the Commission's decision and provide a reasonable basis for overcoming the Order's substantial evidence standard of

³ It is unclear from the Petition whether Intervenor seeks only a stay of the modified rate schedule with respect to their limited interests, or rather all customers affected by the new rates approved by the Commission. In the event Intervenor seeks to stay the implementation of the modified rates with respect to all customers, the bond required of Intervenor should be commensurately higher and in proportion with the difference between the existing and modified rates applied against the entire customer base subject to the Order for the period during the pendency of the appeal.

review on appeal. The Petition does neither. As the Petition does not demonstrate a likelihood that Intervenor will succeed in their appeal, should the Commission find in favor of issuing a writ of supersedeas it should exercise its discretion and require a bond commensurate with the entire amount of the charges Intervenor seek to avoid paying under the approved rate schedule, plus interest.⁴ According to the Petition, Intervenor J-Ray, Inc. effectively seeks a reduction in its monthly charges of approximately \$1,200.00, and Intervenor Sensor Enterprises, Inc. seeks a reduction in its monthly charges of approximately \$900.00 per month. PUI submits that the principal amount of bond to be posted by Intervenor in the event the Petition is granted should be \$28,800.00 for J-Ray, Inc. and \$21,600.00 for Sensor Enterprises, Inc., plus pre-judgment interest at the statutory rate of 8.75%. *See* S.C. Code Ann. § 34-31-20 (Supp. 2013). These amounts assume that the appellate process could take up to two (2) years, which PUI submits is a reasonable assumption. Similarly, if the Commission determines that an equitable stay is within its authority to issue and is warranted, it should be conditioned on the posting of a bond in the same amount. *See, generally, Ex parte Dibble*, 279 S.C. 592, 310 S.E.2d 440 (Ct. App. 1983) (holding that equitable powers include the inherent power to do all things reasonably necessary to insure that just results are reached).

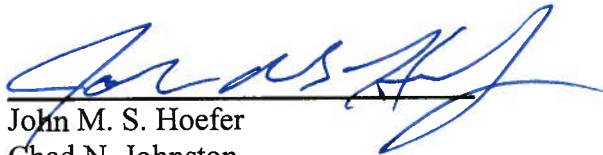
CONCLUSION

For the foregoing reasons, Intervenor have failed to demonstrate that cause exists for the issuance of a writ of supersedeas or equitable stay of the Order, and the Commission should deny

⁴ The requirement of a bond would also place the Intervenor in the same position that PUI would find itself if PUI was seeking to have an order of the Commission denying rate relief or reducing a rate reversed on appeal. *See* S.C. Code Ann. § 58-3-240(D) (Supp. 2013) (permitting a public utility to place into effect under bond rates requested but denied by the Commission) and S.C. Code Ann. § 58-5-340 (Supp. 2013) (permitting a public utility to keep

the Petition. Controlling South Carolina law already provides the remedy sought by Intervenor in this Petition; therefore, a supersedeas or equitable stay is unnecessary, superfluous, and the Commission is entitled to refuse the Petition on that ground alone. Notwithstanding, Intervenor has failed to demonstrate the requisite harm justifying the requested relief and are unlikely to succeed on the merits of their pending appeal. Further, the harm to PUI arising out of an equitable stay exceeds the harm (which does not exist) to which Intervenor would be exposed if a stay is denied. Finally, in the event the Commission is inclined to provide Intervenor the requested relief, PUI respectfully submits the Commission should exercise its discretion and require of Intervenor the posting of a payment bond sufficient to cover the overage prescribed by the rate schedule, with interest, in order to adequately protect the interests of PUI during the pendency the appeal.

Respectfully submitted,



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Attorney for Palmetto Utilities, Inc.

April 8, 2014
Columbia, South Carolina

in effect under bond previously approved rates or charges that are reduced by order of the Commission).

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2013-42-S

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**PSC SC
MAIL/DMS**

IN RE:

Application of Palmetto Utilities, Inc.)
for adjustment of rates and charges)
for the provisions of sewer service.)
_____)

CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day one (1) copy of the **Applicant's Answer to Intervenor's' Petition for Writ of Supersedeas and/or Equitable Stay** by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Kathleen M. McDaniel, Esquire
D. Reece Williams, III, Esquire
Callison Tighe & Robinson, LLC
P.O. Box 1390
Columbia, SC 29202

Jeffrey M. Nelson, Esquire
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

The Honorable Jocelyn D. Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211


Sheila Wright

Columbia, South Carolina
This 8th day of April, 2014.